

## Message Text

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PAGE 01 BUCHAR 05698 112303Z

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ACTION EUR-12

INFO OCT-01 ISO-00 CU-02 L-02 CIAE-00 INR-05 NSAE-00

RSC-01 OES-03 SSO-00 INRE-00 /026 W

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O 112017Z DEC 74

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE NIACT 1158

INFO USIA WASHDC IMMEDIATE NIACT

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STATE FOR EUR/EE; CU/EE;

USIA FOR IESP

E.O. 11652: N/A

TAGS: OEXC RO

SUBJ: US-GOR NEGOTIATIONS ON EXCHANGES AGREEMENT

REF: STATE 270812

1. POINTS RAISED BY DEPARTMENT IN REFTEL HAVE BEEN DISCUSSED  
WITH ROMANIANS WITH FOLLOWING RESULTS:

A) PREAMBLE, FINAL PARA: ROMANIANS ACCEPT "DESIRING TO  
DEVELOP..." IN PLACE OF "DEVELOPING";

B) ARTICLE I, PARA 1 F: ROMANIANS PREFER TO RETAIN THEIR  
WORD FOR "AND" (SI) WHICH HAS SENSE OF "OR". WE WILL USE "OR"  
IN ENGLISH VERSIONS, AND ROMANIAN WILL USE "SI" IN ROMANIAN  
VERSIONS. WE BELIEVE THIS COMPROMISE ADEQUATELY COVERS OUR  
NEEDS/.

: ) ARTICLE VI: IN RECOGNITION OF DEPARTMENT'S CONSIDERA-  
TIONS (PARA 1 C REFTEL) RE REFERENCE TO PERIODIC PROGRAMS OF

EXCHANGES CONCLUDED BETWEEN "OTHER AGENCIES AND INSTITUTIONS,"

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PAGE 02 BUCHAR 05698 112303Z

WE HAVE REACHED AGREEMENT WITH ROMANIANS TO REPLACE ARTICLE IV

REPEAT IV WITH FOLLOWING NEW LANGUAGE: "THE PARTIES WILL ALSO ENCOURAGE THE CONCLUSION, WHEN CONSIDERED NECESSARY AND MUTUALLY BENEFICIAL, OF OTHER UNDERSTANDINGS, ARRANGEMENTS, AND PERIODIC PROGRAMS OF EXCHANGES IN THE FIELDS COVERED BY THIS AGREEMENT." WE BELIEVE THIS ADEQUATELY COVERS DEPARTMENT'S NEEDS.

D) ARTICLE VII: AS INSTRUCTED (PARA 1 D REFTTEL), WE MADE STRONG PRESENTATION TO PERMIT TERMINATION OF AGREEMENT BY EITHER SIDE AT ANY TIME UPON SIX MONTHS WRITTEN NOTIFICATION. ROMANIANS ARGUED THAT NEW FIVE-YEAR AGREEMENT WAS BIG STEP FORWARD FROM PREVIOUS TWO-YEAR "ARRANGEMENT" AND QUESTIONED INTENTIONS IN OUR PROPOSED NEW FORMULATION. THEY STRONGLY RESISTED THIS PROPOSAL, AND WE HAVE REACHED AD REFERENDUM AGREEMENT ON USE OF FOLLOWING LANGUAGE FOR LAST SENTENCE OF ARTICLE VII: "THE AGREEMENT MAY BE TERMINATED BY EITHER PARTY UPON WRITTEN NOTICE TO THE OTHER PARTY AT LEAST SIX MONTHS PRIOR TO EXPIRATION." WE TRUST THIS WILL BE ACCEPTABLE TO DEPARTMENT, AND NOTE THAT US-USSR CULTURAL AGREEMENT OF JUNE 19, 1973 CONTAINS NO REPEAT NO TERMINATION CLAUSE AT ALL.

2. DURING MEETING LATE THIS AFTERNOON TO EXCHANGE TEXTS OF AGREEMENT, PROGRAM AND IMPLEMENTING CONDITIONS FOR RECONCILIATION ON THURSDAY, ROMANIANS REQUESTED AN ADDITIONAL MODIFICATION IN ARTICLE I 2 OF THE AGREEMENT. PRIOR TO THIS MEETING ARTICLE STATED: "THE PARTIES WILL FACILITATE BY ALL APPROPRIATE MEANS:". ROMANIANS REQUESTED WE DROP WORD "ALL", POINTING OUT THIS TERMINOLOGY IS: (A) REDUNDANT IN ROMANIAN LANGUAGE, AND (B) NOT INCLUDED IN GOR AGREEMENTS WITH OTHER COUNTRIES. THEY ADDED THAT LATTER MAY RAISE PROBLEMS FOR GOR SINCE OTHER COUNTRIES MAY ASK FOR THE SAME PROVISIONS IN THEIR AGREEMENTS. THEIR FIRST POINT CONCERNING SYNTHETICAL/GRAMMATICAL REDUNDANCE OF WORD "ALL" IS VALID IN ROMANIAN LANGUAGE AND MAY WELL APPLY IN ENGLISH LANGUAGE. WE DO NOT FORESEE THE INTRODUCTION OF ANY NEW LIMITATIONS ON ACTIVITIES UNDER ARTICLE I 2 -- DISTRIBUTION AND ACCESS -- BUT WE HAVE MADE NO COMMITMENTS REGARDING THIS DELETION SINCE WE PERCEIVE HERE THE WORKINGS OF THE SALAMI TACTIC. WE HAVE ALREADY ELIMINATED THE WORD "PERMIT." HOWEVER, WE HAVE STUDIED THE INTRODUCTORY CLAUSE TO ARTICLE I 2 AND BELIEVE THE REDUNDANCIES ARE EVEN GREATER. WE BELIEVE "ALL APPROPRIATE MEANS" INTRODUCES A QUALIFIER BY THE WORD "APPROPRIATE" WHICH IN OUR USAGE USUALLY SIGNIFIES A LIMITING PROVISION ON ACTIVITIES MENTIONED IN THE LIMITED OFFICIAL USE

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AGREEMENT. ON BALANCE, WE BELIEVE WE HAVE SCORED MANY IMPORTANT GAINS IN FIELD OF CULTURAL AND INFORMATIONAL ACTIVITY IN THE NEW AGREEMENT AND PROGRAM. WE HAVE MORE EXTENSIVE ENABLING LANGUAGE FOR EXHIBIT THEMES; THE INCLUSION OF THE LIBRARY UNDERSTANDING OF 1969 AFFORDS ADDITIONAL PROTECTION FOR THAT INSTITUTION; AND IN GENERAL THE INTRODUCTION FOR THE FIRST TIME OF THE DISTRIBUTION AND ACCESS PROVISIONS IN THE AGREEMENT PROVIDES A SIGNIFICANT QUALITATIVE EXPANSION IN THE AGREEMENT. ACCORDINGLY, WE REQUEST

PERMISSION TO PROPOSE THAT ARTICLE I 2 BE REDUCED TO "PARTIES WILL FACILITATE;".

3. GOR DELEGATION HAS ASSURED US THAT FORMALITIES FOR APPROVAL OF AGREEMENT WILL BE COMPLETED BY JANUARY 1, 1975 AND WILL NOTIFY US WHEN ITS LEGAL REQUIREMENTS FOR RATIFICATION HAVE BEEN MET.

4. IN ADDITION TO ABOVE CHANGES PROPOSED BY USDEL, ROMANIANS HAVE PROPOSED CHANGES OF THEIR OWN. IN ADDITION TO PROPOSED DELETION OF AZSS#  
"ALL" IN ARTICLE I PARA 2 (AS EXPLAINED PARA 2 ABOVE), ROMANIANS ALSO PROPOSED IN ARTICLE V, FIRST LINE, TO DELETE WORD "COOPERATIVE," POINTING OUT THAT SOME ACTIVITIES CONDUCTED UNDER AGREEMENT WERE COOPERATIVE AND OTHERS WERE NOT. WE HAVE AGREED SINCE THIS IS NOT SUBSTANTIVE ISSUE, AND ARTICLE IV NOW READS "THIS AGREEMENT, AND THE EXCHANGES, CONTACTS, AND ACTIVITIES UNDER IT...".

5. WE PLAN SIGNING CEREMONIES ON DECEMBER 13. ROMANIANS PROPOSE THAT ALL THREE DOCUMENTS (AGREEMENT, PROGRAM, AND CONSITIONS) BE TYPED ON TEATY PAPER. THE AGREEMENT WILL BY TYPED IN TWO ENGLISH AND TWO ROMANIAN LANGUAGE VERSIONS, WITH APPROPRIATE ALTERNATES, AND PLACED IN BINDER. PROGRAM WILL BE TYPED IN TWO ENGLISH AND TWO ROMANIAN LANGUAGE VERSIONS, BUT WITHOUT ALTERNATES AND PLACED IN SEPARATE BINDER. AMBASSADOR WILL SIGN PROGRAM "FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA," AND GLIGA WILL SIGN "FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA." IMPLEMENTION CONDITIONS WILL ALSO BE TYPED IN TWO COPIES FOR EACH LANGUAGE, WITHOUT ALTERNATES, AND WILL BE PLACED IN PROGRAM BINDER FOLLOWING INSTRUCTIONS IN STATE 264942.

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FYI: ROMANIANS ARE RELUCTANT TO PUBLICIZE IMPLEMENTING CONDITIONS WHICH ARE MORE FAVORABLE FOR U.S. PARTICIPANTS THAN FOR OTHER COUNTRIES. END FYI. ROMANIANS PLAN APPROPRIATE PUBLICITY, AND DEPARTMENT MAY WISH TO DO LIKEWISE.

6. WE HAVE ADDED A FINAL ARTICLE V TO IMPLEMENTING CONDITIONS AS FOLLOWS: "THESE IMPLEMENTING CONDITIONS MAY BE AMENDED ONLY BY AGREEMENT BETWEEN THE TWO PARTIES." SIMILAR LANGUAGE WAS INCLUDED IN 1972 CONDITIONS. WORD "ONLY" WAS ADDED AT ROMANIAN REQUEST.

7. ADVISE BY IMMEDIATE IF PROCEDURES PARA 5 ACCEPTABLE. WE REQUEST AUTHORIZATION TO SIGN. WE TRUST THAT AGREED TEXTS, AS AMENDED, MEET WITH DEPARTMENT APPROVAL AND THAT ADDITIONAL AMENDMENTS WILL NOT BE REQUESTED SINCE THIS WILL PROVIDE OPENING FOR

ROMANIANS TO PROPOSE FURTHER CHANGES OF THEIR OWN.  
BARNES

NOTE BY OC/T: # AS RECEIVED.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 74 STATE 270812  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 JUN 2002 by elyme>; APPROVED <26 MAR 2003 by CunninFX>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US-GOR NEGOTIATIONS ON EXCHANGES AGREEMENT  
**TAGS:** OEXC, RO  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005